

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**THE TRUSTEES OF PURDUE
UNIVERSITY,**

Plaintiff,

vs.

**STMICROELECTRONICS
INTERNATIONAL N.V. and
STMICROELECTRONICS, INC.,**

Defendants.

Civil Action No. 6:21-CV-00727-ADA-DTG

JURY TRIAL DEMAND

DEFENDANTS' OPPOSED MOTION FOR EXPEDITED CONSIDERATION

Defendants seek expedited consideration of their Motion to Strike (Dkt. 308) filed earlier today. As explained in that Motion to Strike, Purdue served Amended Final Infringement Contentions on May 19, 2023, without seeking leave of Court and these contentions substantively change Purdue's infringement theories. The Motion to Strike explains that the May 19 Contentions, which were served after hours at 8:03 pm on Friday evening, one business day before the close of discovery on Monday, May 22, violate this Court's OGP and scheduling orders, which require leave of Court to amend infringement contentions. The Motion to Strike further explains that: (a) the May 19 Contentions dramatically change Purdue's four earlier sets of infringement contentions with respect to key structural elements of the asserted claims; (b) Purdue had the information necessary to identify these key structural elements as early as October 2022 but elected to wait until the eleventh hour to spring its new theories on ST; and (c) ST would be prejudiced by Purdue's last-minute attempt of switcheroo because ST's defenses and arguments, including invalidity and non-infringement, were developed throughout the case

based on Purdue's identification of key structure elements in the first four sets of infringement contentions.

Because opening expert reports are due on June 9, 2023, Defendants request an expedited briefing schedule and hearing, and a ruling that the earlier served contentions on which ST has relied upon in good faith, continue to be the final operative infringement contentions by which Purdue is bound in this case.

Defendants request that Purdue file its response to the Motion to Strike (Dkt. 308) by Tuesday May 30, 2023, and that Defendants file a reply by Thursday June 1, 2023. Defendants are prepared to argue the motion, at the Court's convenience, as early as June 2, 2023.

Dated: May 25, 2023

By: /s/ Michael D. Hatcher

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CERTIFICATE OF CONFERENCE

I certify that the Parties conferred and that Purdue is opposed to expedited briefing and hearing.

/s/ Michael D. Hatcher
Michael D. Hatcher

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and correct copy of the foregoing document was served on all parties to this action via electronic service on May 25, 2023.

/s/ Michael D. Hatcher
Michael D. Hatcher